

**REMARKS**

The Office Action dated July 31, 2003 has been reviewed and the Examiner's comments carefully considered. Claims 1, 3-5, 26 and 30 have been amended. Thus, Claims 1 and 3-34 are pending and submitted for reconsideration.

**Allowable Subject Matter**

Applicant notes that Claim 13 has not been rejected and, thus, is presumed to contain allowable subject matter.

**35 U.S.C. 112, 2<sup>nd</sup> Paragraph Rejections**

Claims 3-8 are rejected under 35 U.S.C. 112, second paragraph, for being indefinite. Claims 3-5 have been amended to reflect their dependency upon Claim 1. Reconsideration and withdrawal of the rejection is, therefore, respectfully requested.

**Prior Art Rejections**

Claims 1, 4-12, 14-15, 22-32 and 34 are rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,070,741 (Ervin) in view of U.S. Patent No. 4,616,522 (White et al.). Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ervin in view of White, and further in view of U.S. Patent No. 4,411,167 (Mohr). Claims 3 and 16-19 are rejected under 35 U.S.C. 103(a) as unpatentable over Ervin in view of White, and further in view of U.S. Patent No. 5,507,5521 (Steffens, Jr.). Claims 20 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ervin in view of White, and further in view of U.S. Patent No. 3,910,597 (Seko). Claim 33 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ervin in view of White, and further in view of U.S. Patent No. 4,938,094 (Cochard). The rejections should be withdrawn because the cited references (alone or in combination) fail to disclose, teach or suggest the claimed invention. The claims are addressed in turn below.

**Claims 1, 3-25, 27, 29-34**

With regard to Claim 1, the rejection should be withdrawn because neither Ervin nor White disclose, teach or suggest an "extending portion of the mount [to be] configured to tilt

downward in the event that the occupant impacts the steering device.” The Examiner admits that Ervin fails to disclose a “portion of the mount configured to tilt downward.” The Examiner contends that White discloses “a telescopic mount having an extended portion configured to tilt downward.” However, White discloses in column 5, lines 14-18, that “[i]f an impact load exerted against the steering wheel exceeds a second stage predetermined level, it will cause continued pivoting of the universal joints and resulting in oblique or lateral outward movement of the jacket as illustrated in figure 15.” Thus, White discloses a steering column jacket that travels in the lateral direction, not a “portion of the mount [that] is configured to tilt downward.”

White does not disclose a steering wheel containing an airbag module. However, even if the steering wheel of White included an airbag, the airbag would move in an oblique direction with respect to the respective occupant. In moving in the oblique direction, the airbag would have a reduced area of contact with the occupant and increase the risk to the passenger. Whereas in Claim 1, there is no oblique movement, only a downward movement of the airbag with respect to the occupant, keeping the airbag in front of the abdomen of the occupant. Reconsideration and withdrawal of the rejection is, therefore, respectfully requested.

Furthermore, the rejection should be withdrawn because White and Ervin cannot be combined to teach the disclosure of Claim 1. Claim 1 recites a steering device and a steering element, and a mount that is “configured to cushion the impact of the occupant against the steering device.” Ervin teaches parallel shafts, with one shaft 18 that is “fixed with respect to the vehicle while the axial load is imposed,” and a parallel shaft 20 that is “held in place by conventional means such as supports 30 and 32.” (See Col. 3, Lines 16-19 and 26-28). White teaches a tilting steering column that pivots at joint 44. The combination of Ervin and White would not teach, disclose or suggest the present invention because in order for the tilting steering column of White to be applied to the teachings of Ervin, Ervin would have to tilt downward at element 30. However, element 30 is fixed to the vehicle and is not movable. Tilting at element 30 is prevented by the shaft 18, which is fixed. Additionally, White teaches that the universal joint 44 pivots and “moves in an outboard skewed manner.” (See Col. 5, Line 11). In order for the teaching of White to apply to Ervin, the support 30 would

have to move and tilt. However, support 30 is fixed to the vehicle and cannot move or tilt, nor would it be able to move or tilt upon impact by the passenger on the steering wheel because Ervin specifically states that "shaft 18 is not affected while the axial load is imposed on the steering column, and therefore remains fixed to the bearings 50 and 52 on the supports 30 and 32." (See Col. 4, Lines 21-24).

Claims 3-25, 27, 29-34 depend from Claim 1 and are allowable therewith for at least the reasons set forth above without regard to the further patentable limitations contained therein.

#### Claims 26, 28

With regard to Claim 26, the rejection should be withdrawn because Ervin fails to disclose, teach or suggest "an endless member for transmitting rotational movement of the steering device to the steering element." Ervin discloses a pinion shaft (element 58) and not an endless member to transfer rotational motion between the two shafts as recited in Claim 26. The endless member in the present invention is quite different from a pinion. A pinion is a small gearwheel, whereas the endless member of the present invention is a continuous band, a belt (element 25). A gear is not defined as endless or continuous. Reconsideration and withdrawal of the rejection is, therefore, respectfully requested.

Claim 28 depends from Claim 26 and is allowable therewith for at least the reasons set forth above without regard to the further patentable limitations contained therein.

#### Conclusion

In view of the foregoing amendments and remarks, Applicant believes that the present application is now in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a

check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicant hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 19-0741.

Respectfully submitted,

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By 

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